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Claims 4-12, 14-21, 35, and 37-62 are pending. Claims 10-12, 18, and 20 stand withdrawn from consideration as drawn to non-elected species, although rejoinder of these claims is requested once again.

Allowable Subject Matter

The indicated allowance of claims 4-9, 14-17, 19, 21, 42-48, and 55-62 is noted with appreciation, as is the indication that claims 40, 41, and 50-54 constitute allowable subject matter.

Rejoinder of Withdrawn Claims

As in the previous Reply, rejoinder is respectfully requested of withdrawn claims 10-12, 18, and 20. Claims 10-12 depend directly or indirectly upon allowed claim 6, and claims 18 and 20 depend directly or indirectly upon allowed claim 15. Since all of the withdrawn claims depend upon allowed claims, the withdrawn claims should be rejoined and allowed as well. See MPEP 809. It is believed that the failure to rejoin the withdrawn claims in the present Action was merely an oversight, since no reason for not rejoining the claims was mentioned in the Action.

Prior Art Rejections

Claims 35, 37-39, and 49 stand rejected under 35 USC 103(a) as being obvious over Werner, U.S. Patent No. 4,408,926 ("Werner"). Withdrawal of the rejections is respectfully requested for at least the following reasons.

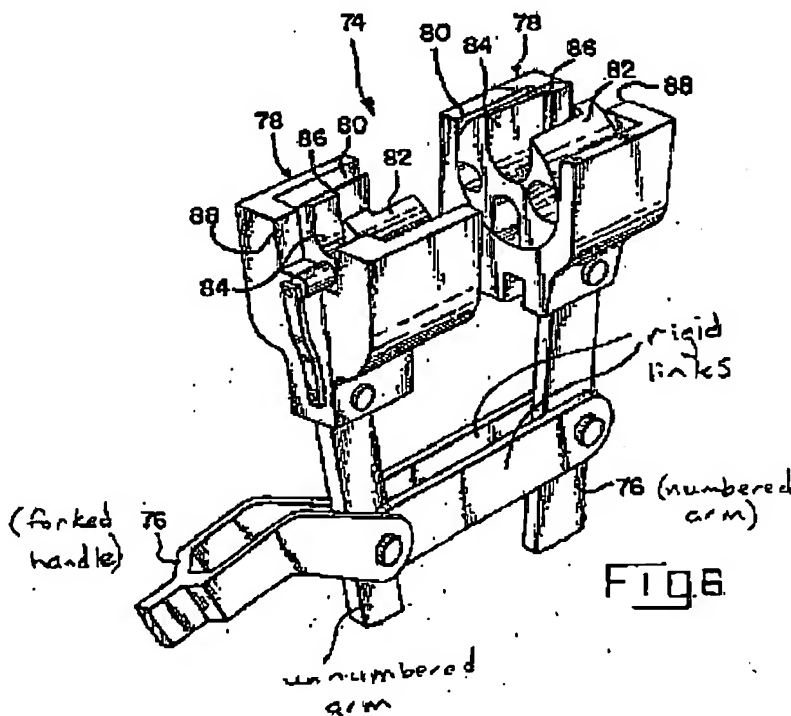
Werner, in pertinent part, discloses a hand-operated tool 74 for driving collars 66 onto a jaw assembly 46. Fig. 6; col. 3, lines 18-35. The tool 74 includes a pair of handles 76 that (according to Werner) "when moved toward each other, move the two driving heads 78 towards each other," col. 3, lines 20-22. However, Werner does not disclose, either explicitly or by implication, how the handles 76 accomplish the described movement of the driving heads 78. In addition, Werner does not disclose

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that the hand-operated tool 74 has a rounded surface for engaging rebar tooling. Further, Werner does not disclose that the hand-operated tool 74 includes a piston-cylinder assembly.

Werner's tool 74 is not operative, and therefore Werner's disclosure of the tool 74 does not anticipate or render obvious the rejected claims. Fig. 6 of Werner shows the heads 78 coupled (hingedly? ridgedly?) to a pair of arms, one of which is numbered as one of the handles 76. The arms are coupled together, away from the heads 78, by what appear to be a pair of rigid links. An additional forked handle 76 is coupled to the unnumbered arm and the rigid links. Whether the forked handle 76 is hingedly or ridgedly coupled to the unnumbered arm and the links, movement of the links, movement of the forked handle 76 would not cause any movement whatsoever in either the arms or the links. In addition, the rigid links prevent the arms at that point from moving in a line toward each other. Nothing in Werner's text, nor in the structure shown in Fig. 6 of Werner, provides any indication of how moving the forked



handle 76 and the numbered arm (handle) 76 toward each other would move the heads 78 (as is claimed at col. 3, lines 20-22). There is also no indication in the text or the figure of an alternate mechanism that would make Werner's tool 74 operable, by

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effecting movement of the heads 78 toward one another. Since Werner's tool 74 is not operable, this embodiment of Werner cannot anticipate or render obvious the claims, and claims 35, 37-39, and 49 are patentable over Werner.

In addition, claims 35 and 49 are patentable over Werner for the additional reasons that Werner does not teach or suggest recited features of the claims. These claims are addressed in turn.

Claim 35 recites a rebar tool that includes, *inter alia*, power operated pivoting arms, wherein a distal end of each arm includes a notch and a bearing section on each side of the notch, with a rounded surface operative to engage and drive rebar tooling when the arms are closed. Claim 35 is patentable over Werner because Werner does not teach or suggest bearing sections with rounded surfaces to engage and drive rebar tooling. Werner's tool 74 has shoulders 86 which press against the collars 66 of the jaw assembly 46. Col. 3, lines 29-31. The shoulders 86 are shown in Fig. 6 as having flat surfaces to engage the collars 66. Nothing in Werner suggests use of rounded collar-engaging surfaces on the shoulders 86. Since Werner does not teach or suggest all of the recited features of claim 35, for an additional reason claims 35 and 37-39 are patentable over Werner.

Claim 49 recites a tool for forming a bar splice that includes, *inter alia*, a pair of pivoting arms that include drivers adapted to engage seats, and a piston-cylinder assembly to drive the seats axially of bar ends. Werner does not teach or suggest a tool that includes a piston-cylinder assembly for driving seats at the ends of pivoting arms. Werner's tool 74 does not include a piston-cylinder assembly, and nothing in Werner suggests use of a piston-cylinder assembly in the tool 74. Thus claim 49 is patentable over Werner for the additional reason that Werner does not teach or suggest all of the recited features of claim 49.

Conclusion

In view of the foregoing, withdrawal of rejections is respectfully requested, in which case the application would be in condition for allowance.

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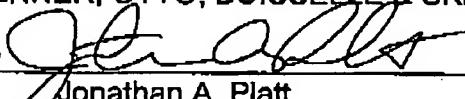
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Should the Examiner believe that a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

No fee is believed due with the filing of this paper. In the event any fees are due in connection with the filing of this paper, the Commissioner is authorized to charge those fees to our Deposit Account No. 18-0988 (Charge No. ERICP329USA).

Respectfully submitted,
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